NGB DIRECTORATE FOR EQUAL OPPORTUNITY

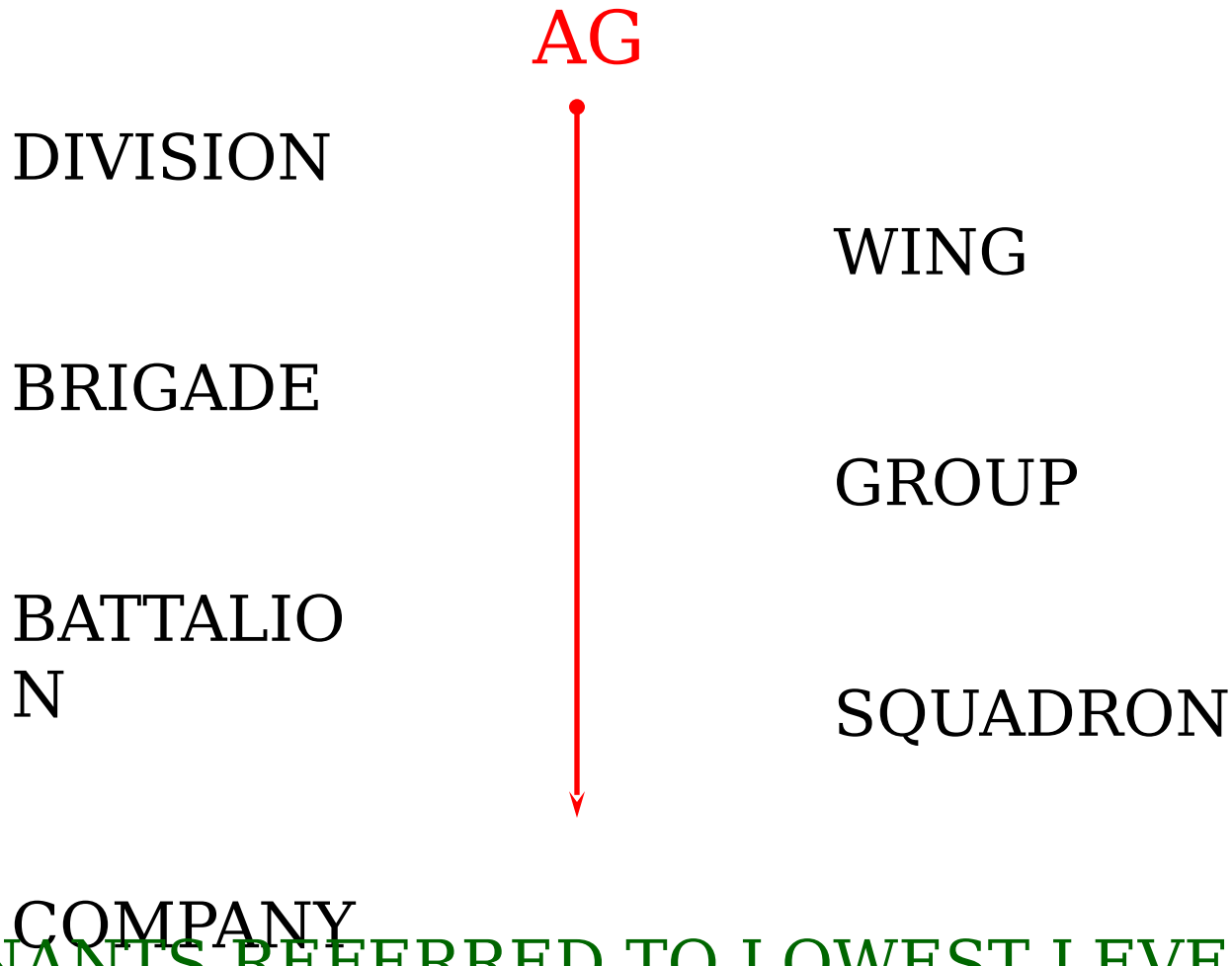
NATIONAL GUARD MILITARY DISCRIMINATION COMPLAINT SYSTEM

NGR (AR) 600-22 NGR (AF) 36-3

What Remains the Same?

Chain of Command Driven Complaint System

COMMAND PROGRAM



COMPLAINANTS REFERRED TO LOWEST LEVEL COMMANDER

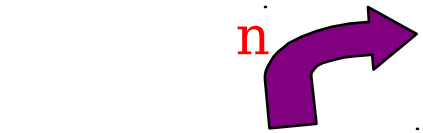
COMMAND PROGRAM

NGB Final Agency Decision

Investigation

AG

Investigation



DIVISION

INQUIRES

BRIGADE

BATTALION

COMPANY

WING

INQUIRES

GROUP

SQUADRON

Inquires or supplements to inquires are conducted until an investigation is ordered by a commander who has appointing authority. Each level of the chain of command attempts settlement of the complaint.

ELEMENTS OF A COMPLAINT

WHAT MAKES AN EQUAL OPPORTUNITY COMPLAINT

ELEMENTS OF A COMPLAINT

- INDIVIDUAL COMPLAINING
- ACTION THAT HARMED THE COMPLAINANT
- BASIS OF DISCRIMINATION
- DATE OF ALLEGED INCIDENT

EO COMPLAINTS PROCESS FILING

EO COMPLAINT

IN WRITING TO THE

- **COMMANDER**
- **EO/MEO STAFF**
- **NEXT HIGHER COMMANDER**
- **ANY HIGHER COMMANDER**
- **NGB-EO HOTLINE**

COMPLAINT FORM NGB FORM 333

Here is Some New Stuff!

Reprisal Advisement and Election Form

Offers Protection Under the Military Whistleblowers Protection Act if the Complainant so Elects - Must Meet

Reprisal Prevention Plan

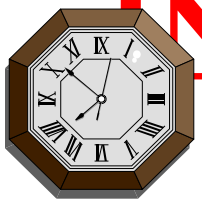
Initiated by the Commander When a Formal Complaint of Discrimination is Filed

(2-2c, Figure 2-2)

Time Lines Have Changed!

Designed to Streamline the Processing Time. Expedite the Process to the Benefit of Both the Complainant and

CHAIN OF COMMAND INFORMAL COMPLAINTS



TIME LIMITS

LOWEST COMMAND LEVEL 30 DAYS

(or through the next scheduled drill period)

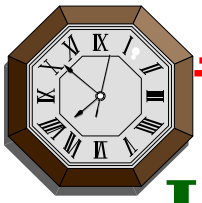
After this period, the complaint can be withdrawn by the complainant or become formal - the only appeal of an informal complaint is to formally file a complaint

CHAIN OF COMMAND FORMAL COMPLAINTS

COMMAND LEVEL

If the formal complaint is the result of an election by the complainant to file a formal complaint after unsuccessful resolution of an informal complaint, it will be filed one level above the command level where the informal complaint was processed

CHAIN OF COMMAND FORMAL COMPLAINTS



LOWEST COMMAND LEVEL 60 DAYS

Actions Required

- Request NGB Complaint number through the SEEM within 72 hours of receipt of formal complaint and initiate a reprisal protection plan
- Procedural review to determine acceptance, dismissal, or referral

CHAIN OF COMMAND FORMAL COMPLAINTS

LOWEST COMMAND LEVEL (CONTINUED)

Actions Required

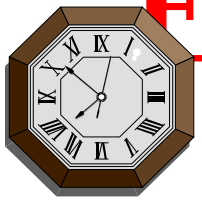
- Complete an inquiry or investigation
- Complete an SJA legal review
- Attempt resolution and take corrective action as appropriate

CHAIN OF COMMAND FORMAL COMPLAINTS

Actions Required

- If settled or withdrawn, forward the case file to the SEEM, include in case file:
- Complaint
- Appointment of IO & Report of Investigation or inquiry
- Legal review
- Settlement agreement
- Any corrective action taken

CHAIN OF COMMAND FORMAL COMPLAINTS



TIME LIMITS

- **All successive command levels will have 30 days to complete a procedural review and attempt resolution with the complainant**

- **If no resolution is made, the complaint will automatically appeal to the next command level when the 30 days has expired**

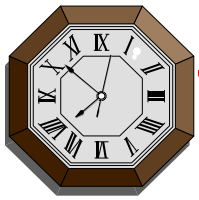
CHAIN OF COMMAND FORMAL COMPLAINTS

Actions Required

If settled or withdrawn:

- **Annotate on NGB Form 333**
- **Forward to SEEM for disposition**
- **Include any and all documents relating to the complaint**

CHAIN OF COMMAND FORMAL COMPLAINTS

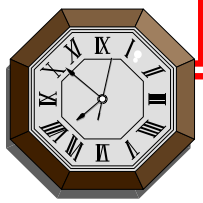


TIME LIMITS

The Adjutant General has 90 days to complete the following:

- **Attempt resolution**
- **Order an investigation** **(if one has not been completed)**
- **Review for legal and administrative compliance**
- **Provide a redacted copy of the ROI to Cpl.**

CHAIN OF COMMAND FORMAL COMPLAINTS

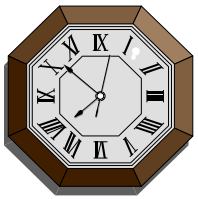


ADJUTANT GENERAL

The Adjutant General Will:

- **Annotate resolution (if applicable)**
- **Annotate withdrawal**
- **Request a Final Agency Decision from NGB**

CHAIN OF COMMAND FORMAL COMPLAINTS

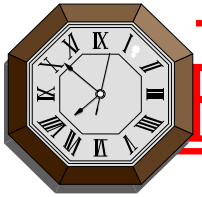


FULL-TIME AGR TIME LIMITS

AGR and other full-time personnel covered by this regulation will adhere with the following time limits:

- **180 days from the date of discrimination to file**
- **The full-time supervisory chain will process the complaint on behalf and in coordination with the commander**

CHAIN OF COMMAND FORMAL COMPLAINTS



FULL-TIME AGR TIME LIMITS (cont.)

- 14 days to inquire and attempt resolution at each command level
- If unresolved, the complainant will be provided a copy of the inquiry and may rebut the inquiry with 14 days of receipt
- Process repeated until it reaches the Adjutant General Level - process IAW complaint regulation thereafter

Dismissal Criteria

Failure to State of Claim of Discrimination

The Complaint or Issue is Moot

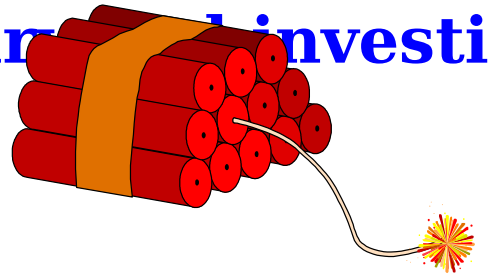
Back to Stuff that Hasn’t Changed

EO COMPLAINT PROCESS

PURPOSE

- **FOSTER RESOLUTION**
  - **Open lines of communication**
  - **Hear all sides of the allegation**
- **DETERMINE VALIDITY & MERIT**
  - **Through inquiry and investigation**

Defuse the bomb, complaints that linger and stall in the process foster animosity and could lead to further problems.



EO COMPLAINT PROCESS

INVESTIGATION/INQUIRY AND RESOLUTION RULES

- **CHAPTER 3, NGR 600-22/30-3**
  - **Authority to conduct EO Investigation**
  - **Not in the scope of a formal AR 15-6 investigation**
  - **If investigator believes that criminal actions happened, stop the interview and consult your appointing authority**
  - **Know the difference between criminal and administrative law**
- **RESOLUTION**
  - **Document**
  - **Written**

COMPLAINT PROCESS

CONDUCT INQUIRIES OR SUPPLEMENTAL INQUIRIES

- AT EACH COMMAND LEVEL
- BY CDR OR UNIT PERSONNEL
- EO/MEO PERSONNEL ADVISE INQUIRY OFFICERS -- DO NOT CONDUCT PERSONALLY

EO COMPLAINT PROCESS

WHEN REQUIRED, BASED ON DELEGATION OF APPOINTING AUTHORITY

IF UNRESOLVED AT THE ADJUTANT GENERAL LEVEL

EO COMPLAINT PROCESS

WHO CONDUCTS?

- DISINTERESTED OFFICER APPOINTED BY TAG
- NO EO/EEO/MEO/JA PERSONNEL
- NGB ONLY IF TAG REQUESTS BASED ON SPECIAL CIRCUMSTANCE

EO COMPLAINT PROCESS

HOW CONDUCTED?

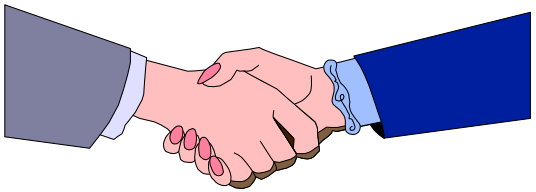
CHAPTER 3 of NGR (AR) 600-22/NGR (AF) 30-3

- **AR 15-6/AFI 190-301/ INVESTIGATORS MANUAL AS A SUPPLEMENT ONLY**
- **FORMALLY W/FULL WRITTEN DOCUMENTATION**
- **SWORN TESTIMONY**
- **ROI FORMAT IN PROCEDURE MANUAL**

THE PROCESS

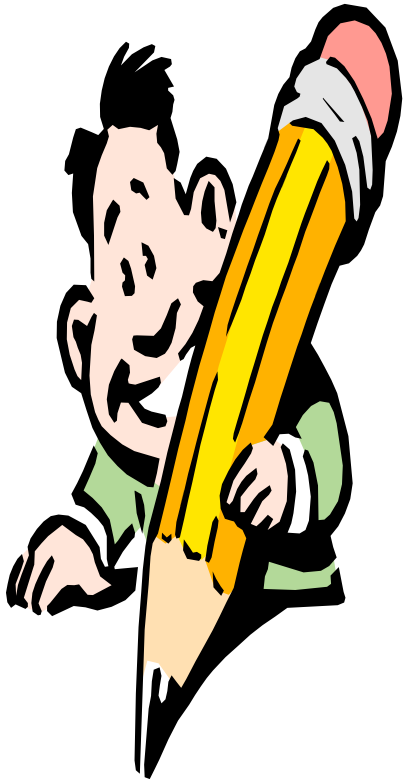
ACTIONS BY THE AG & STAFF

- REVIEW INQUIRES
- ATTEMPT RESOLUTION
- DIRECT INVESTIGATION
- ASSURE ADEQUACY OF ROI
- PROVIDE REDACTED ROI TO COMPLAINANT
- ATTEMPT RESOLUTION



EO, JA, HRO, IG

EO COMPLAINTS PROCESS

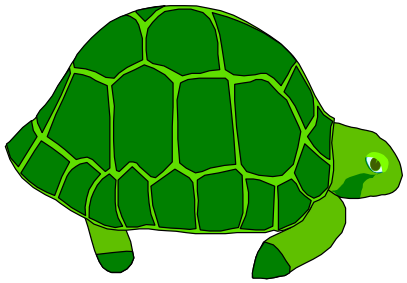


NGB REVIEWS ROI FOR

- COMPLIANCE WITH LAWS & REGS.
- SUFFICIENCY OF DOCUMENTATION
- ADHERENCE TO PROCEDURES
- ADEQUANCY OF INVESTIGATION
- VALIDITY OF CONCLUSIONS
- APPROPRIATENESS OF DISMISSAL

EO COMPLAINTS PROCESS

NGB REVIEW FOR



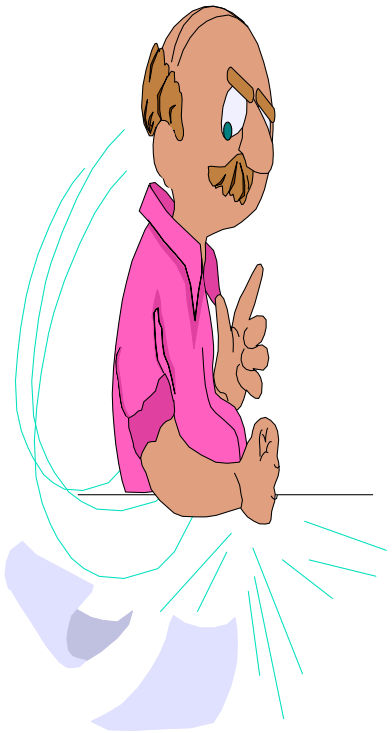
COMPLIANCE WITH LAWS & REGS

- DEFICIENCIES
  - RETURN TO AG FOR CORRECTION

- NO DEFICIENCES
  - FINAL DECISION OR ADMIN CLOSURE
  - NOTIFY AG AND COMPLAINANT

EO COMPLAINTS PROCESS

NGB FINAL AGENCY DECISION



- **NO DISCRIMINATION**
- **NO DISCRIMINATION W/CORRECTIVE OR REMEDIAL ACTION**
- **DISCRIMINATION (IN PART OR IN WHOLE) CORRECTIVE/REMEDIAL ACTION REQUIRED**

THERE ARE NO FURTHER REVIEWS: ADMINITRATIVE OR JUDICIAL

QUESTIONS?